

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

First Named Inventor: SASAKI, Toshio

Art Unit: 2892

Appln. No.: 10/516,417

Examiner: Thanh Y. Tran

Filed: December 2, 2004

Confirmation No.: 5679

For: SEMICONDUCTOR DEVICE

* * *

RESPONSE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Office Action mailed March 31, 2008, and to the requirement for election of species therein, Applicants provisionally elect Species IV (Claims 11-22) for prosecution on the merits. However, the requirement is respectfully traversed.

The instant application is a PCT National Stage application and, as such, is governed by the Unity of Invention standard under the PCT. See 37 C.F.R. §§ 1.499 and 1.475, and M.P.E.P. § 1893.03(d). The election requirement is evidently based on U.S. election practice under 37 C.F.R. §§ 1.141 - 1.146, and is therefore improper.

In that the PCT Unity of Invention standard has not been applied as required, Applicants respectfully request that the election of species requirement be withdrawn and that an action on the merits be given with respect to all pending claims.

The Commissioner is hereby authorized to charge to Deposit Account No. 50-1165 (XA-10234) any fees under that may be required by this paper and to credit any overpayment to that Account. If any extension of time is required in connection with the filing of this paper and has not been separately requested, such extension is hereby requested.

Respectfully submitted,

Date: April 24, 2008

By: /Mitchell W. Shapiro/
Mitchell W. Shapiro
Reg. No. 31,568

Miles & Stockbridge P.C.
1751 Pinnacle Drive
Suite 500
McLean, Virginia 22102-3833
(703) 903-9000
MWS:ecr